
Law Office of Robert J. Toth, Jr.

110 West Berry Street
Suite 1809
Fort Wayne, IN 46802

O: 260.387.6827

F: 260.449.9771

rjt@rtothlaw.com

August 7, 2010

EBSA

Office of Regulations and Interpretations

200 Constitution Ave., N.W.

Washington, D.C. 20210.

VIA E-MAIL

Re: Lifetime Income Joint Hearing

Please accept this as my request to testify at the above noted hearing; specifically on the fiduciary safe harbor for selection of lifetime income issuer or products, and on the alternative designs of in-plan and distribution lifetime income options. An outline of my testimony includes addressing

- I. that adequate retirement security requires making guarantees, beyond just traditional annuitization, available under DC plans as a choice for participants, 5 minutes;
- II. the fiduciary risk related to insurer solvency may be able to be addressed modifying existing structures. Includes a discussion of, as a potential interim measure, establishment of a list of states with sufficient regulatory structure upon which a plan fiduciary could rely in making a decision whether or not to purchase a contract, 5-10 minutes; and
- III. basis for potential solutions for addressing portability of lifetime guarantees, covering both in-plan and out-of plan options, 5-10 minutes.

I will not be representing the specific interests of any client or other organization in my testimony, rather will address these issues based upon my research and experience in this area.

LAW OFFICE OF ROBERT J. TOTH, JR.

/s

Robert J. Toth, Jr.

